September 2012

Private Activity Bond Legislation Advocacy Efforts Continue
APWA along with its partners in the Sustainable Water Infrastructure Coalition (SWIC) are continuing to push for private activity bond (PAB) legislation that would lift state volume caps on private activity bonds for water and wastewater facilities. PAB legislation was included in the negotiations over passage of the highway trust fund reauthorization bill that passed earlier this year, but these provisions were dropped from the final bill before passage.

Now SWIC is refocusing its efforts on two PAB bills that are pending in the House (H.R. 1802) and the Senate (S.939) and on possible year-end tax legislation that could include PAB language. A massive tax bill is expected to be considered by Congress as it attempts to agree on a variety of tax reform issues that must be addressed before the end of the year.

APWA will continue to advocate for the passage of this legislation to ensure that local utilities have as many options available to them as they attempt to put together funding packages for water and wastewater infrastructure projects.

Congress Likely to Approve a One-Year extension of the Farm Bill
Due to lack of time before Congress recesses for the campaign season, a one year extension of the Farm Bill under current spending levels is more likely than a passage of multi-year reauthorization. The Senate passed its version (S 3240) in June, but Congress cannot move forward with the reauthorization until the House passes its own version of the bill.

The House bill is stalled because of major disagreements over spending cuts for the Supplemental Nutrition Assistance Program, or food stamps. The House Agriculture Committee Farm Bill consolidates 13 conservation programs into six and reduces regulatory burdens on farms and rural communities.

More than 200 people gathered in front of the Capitol September 12 to urge passage of a five year reauthorization of the Farm Bill. The current Farm Bill, PL 110-246, expires on September 30. Several agriculture, conservation and food coalitions are urging passage of HR 6083, a version of the farm bill approved by the House Agriculture Committee.
Congress is expected to focus on the Farm Bill after approval of the six-month stop gap funding bill, known as a continuing resolution, is approved.

**APWA Works to Promote Nutrient Management Provisions in the Farm Bill**

As a member of the Healthy Waters Coalition (HWC), APWA engaged in discussions with staffers in the House of Representatives during the Congressional August recess. The coalition is advocating inclusion of a nutrient management provision in the Farm Bill. This provision, called the Regional Conservation Partnership Program (RCPP), would encourage farmers to partner with non-agricultural entities, such as wastewater utilities and municipal stormwater agencies, to use available resources to address nutrient runoff.

The provision is beneficial to the environment and the economy because it allows for the treatment of water pollution at the source. When farmers work with wastewater utilities to treat water before runoff flows to municipal water sources, municipalities can save money in water treatment and pass those savings along to rate payers. RCPP is included in the Senate version of the Farm Bill passed in June. APWA in conjunction with HWC has urged the House of Representatives to include it as well.

**Party Platforms Make Nod to Water Infrastructure Investment**

Both the Democratic and Republican party platforms include language supporting water infrastructure investment and recognizing the important impact such investment has on job creation and economic growth.

The Democratic Party platform, *Moving America Forward*, states “we support long term investments in our infrastructure. Roads, bridges, rail and public transit systems, airports, ports and sewers are all critical to economic growth, as they enable businesses to grow.” (See Moving America Forward, pages 40-41). Similarly, the Republican Party platform, *We Believe in America*, states, “A federal-State-private partnership must invest in the nation’s infrastructure: roads, bridges, airports, ports, and water systems, among others.” (See We Believe in America, page 1).

While both party platforms are short on specific proposals to address the water and wastewater infrastructure funding crisis, the inclusion of this language recognizing the importance of and the need for water and wastewater infrastructure investment represents an important step.
EPA Announces Public Meeting on Consumer Confidence Reports
The Environmental Protection Agency (EPA) recently announced plans to hold a public listening session in October on the consumer confidence reports (CCR) that water utilities are required to provide to their customers. The existing CCR rules require drinking water utilities to mail copies of water quality reports to consumers. EPA is now considering revisions to the rules that could eliminate the mail delivery requirements and allow utilities to email reports or post them to their websites.

The draft CCR Electronic Delivery Approaches document is available for review at http://water.epa.gov/lawsregs/rulesregs/sdwa/ccr/.

September is National Preparedness Month
The Federal Emergency Management Agency (FEMA) and the Ready Campaign (www.ready.gov) are sponsoring the ninth annual National Preparedness Month this September. APWA joined the Ready Campaign, supported by 14,500 participants, in June.

Throughout National Preparedness Month, the Ready Campaign encourages individuals across the nation to take important preparedness steps that will greatly improve their ability to survive and recover from all types of emergencies, whether natural or man-made. These steps include putting together an emergency supply kit, making a family emergency plan, staying informed about the different emergencies that may affect them, and becoming involved in community preparedness and response efforts.

President Obama issued a National Preparedness Month Presidential Proclamation on August 31. A White House statement said the proclamation emphasizes an “approach to emergency management that engages the whole community—from Federal, State, local, and tribal governments to the private sector, nonprofits, faith-based organizations and the general public.”

To view the presidential proclamation, go to: http://www.whitehouse.gov/the-press-office/2012/08/31/presidential-proclamation-national-preparedness-month-2012

APWA Submits Testimony on Hazard Mitigation
APWA Past President Diane Linderman submitted testimony for a hearing on reducing costs to taxpayers and saving lives through hazard mitigation and building codes, conducted by the House Subcommittee on Economic Development, Public Buildings and Emergency Management.

APWA’s testimony discussed the role of public works as first responders, the importance of a strong local, state and federal partnership in emergency preparedness, management, response and recovery, and emphasized the need for adequate mitigation funding.
The subcommittee is considering legislation, the Safe Building Code Incentive Act of 2011 (H.R. 2069), sponsored by Rep. Mario Diaz-Balart (R-FL). The bill stipulates that at the time of a declaration of a major disaster the President may increase the maximum total of contributions to the affected state by an amount equal to four percent of the estimated grants made to a state if it adopts the most recent version of nationally recognized building codes.

To view the testimony visit: http://www.apwa.net/DR/index.asp?ID=1419.

**FHWA Seeks Comment on Proposal Regarding Common Post-1945 Bridges and Historic Preservation**

The Advisory Council on Historic Preservation (ACHP) is considering issuing a Program Comment at the request of the Federal Highway Administration (FHWA) setting forth the way in which FHWA will comply with Section 106 of the National Historic Preservation Act with regard to the effects of undertakings on common post-1945 concrete and steel bridges. FHWA is requesting comments on the proposed Program Comment, due by September 26, 2012.

As explained in the Program Comment, every year FHWA funds the rehabilitation and replacement of hundreds of bridges, many of which are of common types constructed by state transportation agencies after 1945, using reinforced concrete or steel beams and designs that quickly became standardized. These common bridge types are generally undistinguished, have little value for preservation in place and are rarely viable candidates for relocation.

FHWA proposes the Program Comment in order to waive case-by-case Section 106 review of common post-1945 bridges. This program comment would apply to effects of undertakings on common concrete and steel bridges lacking distinctive treatments, of little value for preservation in place, and not located within or adjacent to historic districts.

For more information contact MaryAnn Naber, maryann.naber@dot.gov or visit the September 5 Federal Register at http://www.gpo.gov/fdsys/pkg/FR-2012-09-05/html/2012-21699.htm.

**House Approves Six-Month Stop-Gap Spending Measure**

The House of Representatives approved a six-month continuing resolution (CR), HJ Res 117, September 13. The Senate is expected to clear the measure the week of September 17. The legislation funds federal government operations from October through March 27 at the $1.047 trillion fiscal year 2013 annual level agreed to in last year’s budget debate. The funding represents a slight increase over current spending levels.

HJ Res 117 gives the Department of Transportation and Housing and Urban Development (THUD) an additional $356 million, bringing the new discretionary spending total to $51.8 billion. For the federal highway program, however, the CR reduces the obligation limit by $270 million below that provided in MAP-21, the recently enacted two-year federal transportation bill. The CR sets the highway obligation limit at $39.1 billion.
The CR is needed because Congress has not passed any of the fiscal year 2013 appropriations bills.

**FHWA Requests Comment on Proposed Rule Updating Engineering Services Procurement Regulations**

The Federal Highway Administration (FHWA) proposes to update the regulations governing the procurement, management and administration of engineering and design related services directly related to a highway construction project and reimbursed with Federal-aid highway program funding.

The intent of the rulemaking is to make the regulations consistent with prior changes in legislation and other applicable regulations. The revisions also address certain findings and recommendations for the oversight of consultant services contained in national review and audit reports. Comments are due November 5.


**Census Shows More than 89,000 Local Governments in US**

A US Census Bureau preliminary count of local governments shows 89,004 local governments existed in the United States in 2012, down from 89,476 in the last census of governments conducted in 2007. Local governments included 3,031 counties (down from 3,033 in 2007), 19,522 municipalities (up from 19,492 in 2007), 16,364 townships (down from 16,519 in 2007), 37,203 special districts (down from 37,381 in 2007) and 12,884 independent school districts (down from 13,051 in 2007).

Conducted every five years (for years ending in “2” and “7”), the census of governments provides the only uniform source of statistics for all of the nation’s state and local governments. It measures three components: organization, employment and finance.

Other Key Findings:

- Illinois leads the nation with 6,968 local governments — approximately 2,000 more than second-place Pennsylvania.
- Hawaii has 21 local governments, the fewest of any state.
- Seventeen states had more special districts compared with 2007, and 29 had fewer. Five states (including the District of Columbia) had no change.
- Ten states had fewer townships because of mergers and consolidations. Kansas decreased the most, moving from 1,353 in 2007 to 1,268 in 2012, a decrease of 85.
The preliminary counts for the first component of the 2012 Census of Governments can be found on the Census Bureau’s Governments Division website at [http://www.census.gov/govs/go/](http://www.census.gov/govs/go/). Final counts will be issued in September 2013.

For more information on the Government Units Survey, which produces these counts, go to [http://www.census.gov/govs/cog2012/](http://www.census.gov/govs/cog2012/).

**FHWA and APWA Launch New Federal-Aid Resource for Local Agencies**

In partnership with APWA, the Federal Highway Administration launched a new and innovative resource called Federal-aid Essentials for Local Public Agencies. This resource puts key information about Federal-aid requirements on a single public website, giving local public agencies a centralized hub for guidance, policies, procedures and best practices for administering federal-aid projects.

The website’s main feature is a library of videos covering key aspects of project development and the delivery process. It is all there in the video library, everything from the environmental review process to complying with policies on Disadvantaged Business Enterprises, presented in clear and concise language that users can easily understand.

Working with state and local partners, FHWA created this resource to help local officials get the information they need about the Federal-aid Highway Program. The video library is accessible in the office or in the field from any computer or mobile device with internet access. The videos each focus on a single topic and are all less than 10 minutes long.